THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.22842, 22853, 22858, 22884, 22887, 22889, 22890, 22895, 23033, 23059 AND 23074 of 2007

DATED: 02-11-2007

BETWEEN

Chintalapathi Satyanarayana Raju,
S/o. Satyanarayana Raju,
Occ: Agriculture, R/o. Vaivaka Village,
Mudinepalli Mandal, Krishna District
and others.

…PETITIONERS

AND

The District Collector,
Krishna District at
Machilipatnam and others.

…RESPONDENTS

COMMON ORDER:

The case of the petitioners in all these writ petitions, except the petitioner in W.P.No.23033 of 2007, is that they are the original assignees of various extents of lands admeasuring about 2 acres in various survey numbers situated at Vaivaka Village, Mudinepalli Mandal, Krishna District. While so, a Form – II notice under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007 has been issued by the Tahsildar, Mudinepalli, to the petitioners stating that they are found to be the transferees of the assigned lands in contravention of the provisions of sub-section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

2. The petitioners submit that the said show cause notices do not indicate

in whose favour the said lands have been assigned or transferred. The show cause notices do not have any proceedings number and date. The petitioners, however, submit that they have submitted explanations to the said show cause notices. The final orders passed under Section 4(1)(a) of the Act go to show that they are all printed orders with blanks left unfilled and without mentioning the extent of the lands and the original assignees of the said lands. They further submit that without considering their explanations, the printed proforma has been filled and resumption orders have been passed holding that the original assignees have transferred the said lands and the petitioners do not have right, title over the said assigned lands.

3. I am of the opinion that the said orders passed by the Tahsildar, are without reference to any show cause notice and the explanations submitted by the petitioners; the orders have been passed without application of mind and without giving any opportunity to the petitioners. The petitioners submit that they are the original assignees and they have never violated any of the conditions of the D-form patta or any of the provisions of sub-section (2) of Section 3 of the Act.

4. Insofar as the petitioner in W.P.No.23033 of 2007 is concerned the land in question is not an assigned land but it is a patta land and the petitioner purchased the said patta lands. But a similar printed order has been issued to the petitioner.

5. Learned Government Pleader appearing for the respondents submits that in 1970 the said lands were assigned to poor persons and thereafter the assignment was again granted in favour of the petitioners in 1993.

6. There is no dispute with regard to the assignment of the said lands in favour of the petitioners by various assignment orders in 1993. The resumption orders do not indicate about the alleged assignment said to have been made in 1970 and the subsequent assigned made in 1993. The show cause notices as well as the final orders are not specific with regard to a

particular violation.

7. Accordingly, the impugned orders are set aside keeping it open to the concerned Mandal Revenue Officer/Tahsildar to issue a specific notice with regard to particular violation calling upon the petitioners to submit their explanations and after submission of explanations,
the same may be considered with regard to specific averments and appropriate orders may be passed in accordance with law; till then the petitioners shall not be dispossessed.

The writ petitions are accordingly allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

November 2, 2007
DSK